



## LITIGATION SECTION

THE STATE BAR OF CALIFORNIA

August 13, 2001

Honorable James D. Ward  
Vice Chair, Judicial Council Task  
Force on Jury Instructions  
California Court of Appeal  
Fourth Appellate District  
3389 Twelfth Street  
Riverside, CA 92501

Dear Justice Ward:

As Chair of the Litigation Section of the State Bar of California, I am pleased to enclose our report responding to the request for comments on the Second Set of Civil Jury Instructions prepared by the Judicial Council Task Force on Jury Instructions.

We are grateful that you and the Task Force requested comments from the Litigation Section. The Litigation Section consists of more than 8,000 voluntary, dues paying attorneys from throughout the State of California. When we received the invitation to comment, we sent to all of our membership an announcement of the opportunity to participate in a working committee. From those who expressed interest, we appointed a truly qualified, experienced, and hard-working committee. That committee is composed of litigators from different parts of the State, with different litigation backgrounds. In appointing its members, we gave conscious attention to assuring that the committee was not weighted in favor of plaintiffs or defendants on any of the issues. That committee was chaired by Richard L. Seabolt, of the San Francisco office of Hancock, Rothert & Bunshoft.

Having read the numerous exchanges of emails debating the issues raised by the Second Set and having attended some of the meetings of the working committee, I can attest that the deliberations of that committee were principled, painstaking, and perceptive. Although the members of the committee represent varying types of clients whose interests often conflict, they worked with the attitude that they did not represent particular

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constituents but, instead, were working for the good of the profession and the public as a whole. Their debates were often intense, but the civility with which the debates occurred exemplified the best of lawyering.

The report of the Committee on Jury Instructions was presented to the Executive Committee of the Litigation Section for its review. The Executive Committee and its advisors comprise twenty-four highly experienced litigators and judges from throughout the State. Their review of the comments about the Second Set was not merely a rubber stamp. Instead, all of the proposed comments were reviewed, and many of the comments were debated in detail by the Executive Committee. The enclosed report therefore reflects the opinions of both the Executive Committee and the Committee on Jury Instructions.

The Litigation Section appreciates the hard work of the Task Force and looks forward to working with the Task Force as this project progresses. We know that this project is difficult and time consuming. The Working Group is to be applauded for its efforts. The results of this project will benefit the bench, the bar, and the public. We are grateful for the opportunity to comment on the Second Set and hope that we will be able to comment on further iterations of it and of subsequent sets.

If you or the Task Force have questions about the enclosed comments, please do not hesitate to contact me. My office telephone number is (415) 771-0100.

Sincerely,

Jerome Sapiro, Jr.

JS:vy  
(9930.03:281)

cc by mail: Ms. Camilla Kieliger  
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Starr Babcock, Esq.

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